

March 5, 1976

Now there are many of us here who would not go to the track, some of us do. If those people go the first lesson they learn is that for every \$2 bet there is a different rate of return based upon the performance of the horse. I've done a little research because I've had some activity in this area relative to an increase in the state tax. I have not yet found anyone who's at a track who knows what percentage of take-out is being given to the state, what percent goes to the track, what percent goes to the better, what percent goes to the horse-man. The only thing they anticipate is that for a \$2 bet they're going to take home \$10 or \$20 and it's going to be a great afternoon.

Now I would suggest that Senator DeCamp and Senator Lewis were exactly right on the Attorney General's opinion. I think that in order so that we are all aware of the exact wording of that last paragraph which is so important that I will read it into the record. The last paragraph reads: "Whether there exists a rationale basis for the different treatment between thoroughbred race meets and other race meets, including quarterhorse race meets, is a factual determination which should properly be made by the Legislature".

Again, to copy Senator Chambers from yesterday to repeat again, "should properly be made by the Legislature". The Legislature can determine whether there may be differences in type of facilities, numbers of spectators, consideration in wagering and other factors which could distinguish the two classes and afford a rationale basis for the classification. If no such basis exists then Section 5 of LB 519 could, not "shall", but could be held unconstitutional by the courts as special legislation or possibly even denial of equal protection of the laws. It doesn't say a thing except what you want it to say. I can read it to support my point of view. Senator Mills can read it to support his point of view. There are many of us in here who really don't care that much about what the Attorney General's opinion says because, as Senator Lewis has pointed out, we use it when it supports us and we ignore it when it does not.

I think the question we should decide here today is not whether or not the issue is constitutional. That can be decided, and shall be no doubt, at some time in the future. But this bill has had a torturous trip across the board. The bill has been supported by some persons who are legitimately interested in the agricultural area. It has been supported by a vast number of quarterhorse breeders. I do not know if it's a majority of them or not. But I know that a great many fine quarterhorse breeders are interested in this bill.

I would hope very much, very strongly, that we would not take a lot of time on the bill. We were getting along so fine on General File and noncontroversial bills, I was very sorry, Senator Mills, that you had to bring the bill up. I know that you had to do it today.